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SUBJECT: GUYANA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: (A) STATE 59732 (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Guyana of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Guyana and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Guyana of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about

which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Guyana,s country narrative in the 2009 TIP Report:

Guyana (Tier 2 Watch List)

Guyana is a source country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Guyanese trafficking victims have been identified within the country, as well as in Barbados, Brazil, Trinidad and Tobago, and Suriname. The majority of victims are trafficked internally for sexual and labor exploitation in the more heavily populated coastal areas and in the remote areas of the country,s interior. Women and girls are lured with offers of well-paying jobs, and are subsequently exploited and controlled through threats, withholding of pay or insufficient pay, and physical violence. In coastal areas, traffickers promise rural women and girls jobs as domestic servants, then coerce them into working in shops or homes for little or no pay, or sell them to brothels. Many trafficking victims along the coast are Amerindian teenagers, targeted by traffickers because of poor education and job prospects in their home regions. Indo-Guyanese and Afro-Guyanese girls, however, have also been trafficked for commercial sex and labor. Guyanese men are trafficked transnationally for forced labor in construction and other sectors in Trinidad and Tobago and Barbados.

The Government of Guyana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of progress in prosecuting and punishing acts of trafficking; therefore, Guyana is placed on Tier 2 Watch List. Although the government enhanced its assistance to victims, augmented training for law enforcement officials, and initiated a nationwide network of community focal points for victim identification and criminal investigations, the government has not yet convicted and punished any trafficking offenders under its 2005 anti-trafficking law.

Recommendations for Guyana: Vigorously investigate and prosecute trafficking offenses, and seek convictions and punishment of trafficking offenders; proactively identify trafficking victims among vulnerable populations such as women and children in prostitution; protect trafficking victims throughout the process of criminal investigations and prosecutions; assign more judges and court personnel to handle trafficking cases in the country,s interior regions; and expand anti-trafficking training for police and magistrates.

Prosecution

The government made negligible law-enforcement progress against human trafficking over the last year. The Combating Trafficking of Persons Act of 2005 prohibits all forms of trafficking and prescribes sufficiently stringent penalties, ranging from three years, to life imprisonment, and which are commensurate with those for rape and other grave crimes. In the past year, trafficking investigations increased from six in 2007 to eight. One prosecution was initiated last year, and the one case opened in 2007 continued throughout

¶2008. Police investigated reports of girls and women exploited in prostitution in cities. Legal cases against alleged trafficking offenders usually did not progress through the trial phase, as charges against most suspects are dropped prior to or during prosecution. In 2008, magistrates continued to dismiss charges in trafficking cases, usually citing a lack of evidence or failure of the witness to appear for testimony. In October 2008, a judge dismissed the charges against a woman arrested in September 2006 for subjecting a 15-year old girl to commercial sexual exploitation, claiming the police & had not done proper investigations⁸ in the intervening two years. Judicial proceedings are regularly delayed by shortages of trained court personnel and magistrates, postponements, and the slowness of the Guyanese police in preparing cases for trial. The Guyanese police in 2008 instituted a mandatory full-day training session on human trafficking for senior and mid-level investigative officers.

Protection

The Government of Guyana made significant efforts to assist victims during the reporting period. The government did not operate shelters for trafficking victims, but doubled its funding to an NGO that provided shelter, counseling, and medical assistance to victims of domestic violence; the shelter was also accessible to victims of trafficking, though no trafficking victims sought assistance from the shelter in ¶2008. NGOs working directly with trafficking victims report that although the government offers a number of useful services to victims, the system by which it provides these services does not function as effectively as it should. The government provided travel funds to facilitate the return to Guyana of Guyanese trafficking victims from other countries; it also provided vocational training, financial assistance, and medical attention to these victims to assist with their reintegration. The government did not support victim services outside the capital, and those services remained inadequate. Guyana,s laws generally respected the rights of trafficking victims, and although the law did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution, no cases of such removals were reported in 2008. There were no reports of victims being penalized for crimes committed as a direct result of being trafficked during the year. Guyanese authorities encouraged victims to assist in the investigation and prosecution of their traffickers, and paid for all costs associated with travel from a victim,s home to the location of a hearing or trial, including transportation, meals, and lodging. Nonetheless, some victims chose not to testify due to the travel distance and time involved, long delays in the judicial system, or their fear of reprisal from traffickers. In June 2008, the multi-agency task force on trafficking in persons established focal points in communities around the country to help identify and refer possible trafficking victims to assistance organizations, as well as to help with investigations and raise public awareness.

Prevention

The government undertook some prevention efforts during the reporting period. The government continued some educational and awareness-raising activities on trafficking. The government trained 100 people designated as community & focal points⁸ on identifying and reporting potential TIP cases in eight of the country,s ten administrative regions. It also continued to implement IOM,s trafficking information campaign, which includes posters, brochures, public service announcements, and a hotline. Within the context of its promotion of HIV/AIDS awareness, the government made efforts to reduce consumer demand for commercial sex acts.

¶19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report

country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other

utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1. Why is Guyana given a ranking of Tier 2 Watch List again?

A. The Government of Guyana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of progress in prosecuting and punishing acts of trafficking; therefore, Guyana is placed on Tier 2 Watch List. Although the government enhanced its assistance to victims, augmented training for law enforcement officials, and initiated a nationwide network of community focal points for victim identification and criminal investigations, the government has not yet convicted and punished any trafficking offenders under its 2005 anti-trafficking law.

Q2. What is the nature of the trafficking situation in Guyana?

A. Guyana is a source country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Guyanese trafficking victims have been identified within the country, as well as in Barbados, Brazil, Trinidad and Tobago, and Suriname. The majority of victims are trafficked internally for sex and labor

exploitation in the more heavily populated coastal areas and in the remote areas of the country,s interior. Women and girls are lured with offers of well-paying jobs, then subsequently exploited and controlled through threats, withholding of pay or insufficient pay, and physical violence. In coastal areas, traffickers promise rural women and girls jobs as domestic servants, then coerce them into working in shops or homes for little or no pay, or sell them to brothels. Many trafficking victims along the coast are targeted by traffickers because of poor education and job prospects in their home regions. Guyanese men are trafficked transnationally for forced labor in construction and other sectors to Trinidad and Tobago and Barbados.

Q3. How can Guyana show progress in its anti-trafficking efforts?

¶A. The government could: vigorously investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; proactively identify trafficking victims among vulnerable populations; protect trafficking victims throughout the process of criminal investigations and prosecutions; assign more judges and court personnel to handle trafficking cases in the country,s interior regions; and expand anti-trafficking training for police and magistrates.

¶12. The Department appreciates posts, assistance with the preceding action requests.
CLINTON